

To the Members of the California State Assembly:

I am returning Assembly Bill 1707 without my signature.

This bill reveals the next lawsuit abuse problem in California that is likely to drive businesses out of the state. By quadrupling the minimum fines associated with unintentional violations under the Disabled Persons Act (DPA), the bill will have the effect of extorting money from state and local governments much the same way violations under the Unruh Act extort money from small businesses. Instead of providing incentives to correct violations in buildings and facilities to assist the disabled community this bill will cause the focus to revolve around litigation.

Businesses are often faced with a lawsuit that has a potential to be financially damaging in defending or paying increased fines for mistakes such as the height of a sign that can be easily corrected.

It is unfortunate that legislation, such as AB 209 (Leslie) that would reform the system did not make it through the legislative process. I would welcome legislation that would provide an avenue for businesses or governments to correct potential violations prior to being subjected to fines or civil liability. The public policy goal should be to ensure public and private facilities are open to those with disabilities, not to penalize businesses financially for unintended violations that can easily be corrected once put on notice.

Sincerely,

Arnold Schwarzenegger